

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 12

Bill No. 61-10

Mr. Vincent J. Gardina, Councilman

By the County Council, July 6, 2010

A BILL
ENTITLED

AN ACT concerning

Public Business

FOR the purpose of prohibiting a person who is convicted of certain offenses from acting on behalf of certain employee units; authorizing the County Ethics Commission to suspend or revoke the registration of a lobbyist under certain circumstances; authorizing the County Purchasing Agent to prohibit the award of a County contract to persons convicted of certain offenses; providing for the application of the Act; and generally relating to the regulation of certain persons acting on behalf of County employees or doing certain business with the County.

BY repealing and re-enacting, with amendments

Section 4-5-311(b)
Article 4 - Human Resources
Title 5 - Employee Relations Act
Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 7-1-202(a)
Article 7 - Public Ethics and Open Government
Title 1 - Public Ethics
Baltimore County Code 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 10-2-301
Article 10 - Finance
Title 2 - Purchasing
Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2 MARYLAND, that Section 4-5-311(b) of Article 4 - Human resources, Title 5 - Employee Relations
3 Act, of the Baltimore County Code 2003 be and it is hereby repealed and re-enacted, with amendments,
4 to read as follows:

5 **§ 4-5-311. SAME - AUTHORIZED REPRESENTATIVES.**

6 (b) (1) *Exclusive representative.* An exclusive representative is vested with the right and obligation
7 through its authorized representatives and officials to negotiate with the designated representatives of
8 the county administration on matters relating to wages, hours, and other terms and conditions of
9 employment, as defined in this act, of all employees in the representation unit, regardless of membership
10 or nonmembership of an employee in the exclusive representative.

11 (2) A PERSON WHO HAS BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY TO
12 ANY OFFENSE ENUMERATED IN SECTION 16-202 OR 16-203 OF THE STATE FINANCE AND
13 PROCUREMENT ARTICLE MAY NOT ACT AS AN AUTHORIZED REPRESENTATIVE OR
14 AGENT OF AN EXCLUSIVE REPRESENTATIVE FOR ANY PURPOSE UNDER THIS TITLE.

15 SECTION 2. AND BE IT FURTHER ENTACTED, that Section 7-1-202(a) of Article 7 - Public
16 Ethics and Open Government, Title 1 - Public Ethics, of the Baltimore County Code 2003 be and it is
17 hereby repealed and re-enacted, with amendments, to read as follows:

1 § 7-1-202. Powers.

2 (a) In general. The Commission may:

3 (1) Administer oaths and affirmations; and

4 (2) Issue subpoenas:

5 (i) To compel the attendance and testimony of witnesses; and

6 (ii) For the production of books, papers, records, documents, and other tangible objects.

7 (3) IN ACCORDANCE WITH THE PROCESS SET FORTH IN SECTION 7-1-105, AND IF
8 NECESSARY TO PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE
9 GOVERNMENTAL PROCESS, SUSPEND OR REVOKE THE REGISTRATION OF AN
10 INDIVIDUAL LOBBYIST IF THE COMMISSION DETERMINES THAT THE LOBBYIST:

11 (I) HAS KNOWINGLY AND WILLFULLY VIOLATED ANY PROVISION OF THIS
12 ARTICLE; OR

13 (II) HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING FROM
14 LOBBYING ACTIVITIES.

15
16 SECTION 3. AND BE IT FURTHER ENACTED, that Section 10-2-301 of Article 10 -
17 Finance, Title 2 - Purchasing, of the Baltimore County Code 2003 be and it is hereby repealed and re-
18 enacted, with amendments, to read as follows:

19 § 10-2-301. Anti-Bribery Affidavit; PROHIBITION.

20 (A) On submitting a formal bid or otherwise applying for a contract with the county, each business
21 entity, including an individual, shall submit the anti-bribery affidavit required by § 16-311 of the State
22 Finance and Procurement Article of the Annotated Code of Maryland.

23 (B) THE PURCHASING AGENT MAY PROHIBIT THE AWARD OF A CONTRACT TO A BIDDER
24 OR APPLICANT WHO HAS BEEN CONVICTED OF ANY OFFENSE ENUMERATED IN

1 SECTIONS 16-202 OR 16-203 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2 SECTION 4. AND BE IT FURTHER ENACTED, that ~~Sections 1 and 3~~ of this Act shall apply
3 prospectively and retroactively to a conviction entered prior to the effective date of this Act.

4 SECTION 5. AND BE IT FURTHER ENACTED, that, this Act, having been passed by the
5 affirmative vote of five members of the County Council, shall take effect on August 16, 2010.

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